

Before the
Federal Communications Commission
Washington, D. C. 20554

RECEIVED

APR - 4 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Inquiry Concerning Deployment of)
Advanced Telecommunications Capability)
To All Americans in a Reasonable and)
Timely Fashion, and Possible Steps to)
Accelerate Such Deployment Pursuant)
To Section 706 of the Telecommunications)
Act of 1996)

CC Docket No. 98-146

REPLY COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc. (SBC) submits this reply to the comments filed on the Commission's *Notice of Inquiry (NOI)* in this proceeding. Many of the comments take similar positions and advocate regulatory policies consistent with the views which SBC has previously expressed in this case.

I. Definition of Advanced Services Capability

Although some of the commenters support the Commission's existing definition of "advanced telecommunications capability,"¹ most agree with SBC that the current definition is too limiting in that it will not capture the most commonly used advanced

¹ Defined as 200 kbps in both directions. US West, p.2; Organization for the Promotion and Advancement of Small Telecommunications Companies (PASTCO), p.3; MCI Worldcom, p.3.

service applications.² At least in terms of today's technology, 200 kbps is frequently used in the downstream direction, while slower speeds (e.g., 33.6 kbps as provided by 56 kbps modems) are often used in the upstream direction in providing broadband services.³ There should be no requirement of 200 Kbps as a minimum speed and no requirement that the same minimum speed be used in both directions.⁴

The Commission should not define advanced services to exclude either asymmetrical or wireless, satellite, and cable modem technologies. As a number of commenters observe, there are a number of different ways to provide advanced services,⁵ and the Commission should not define advanced services to favor or exclude particular services or technologies.

II. Advanced Services Availability

It is clear from the comments that, although in its early stages, the deployment of advanced services is set to occur at a rapid pace and that it is likely that advanced services will become quickly available (over the next three to five years) to all Americans without regard to their specific geographic location (urban v. rural, suburb v. inner city) or to the particular technology or provider used. Cable systems currently lead such deployment and, according to the National Cable Television Association (NCTA), by the end of 2003, *"93% of all cable homes will be passed by activated two-way plant,"* compared to 68% at the end of 1999.⁶

² Bell Atlantic, p. 2; Commercial Internet Exchange Association (CIX), p.3-4; AT&T, p.4; Metricom, p.4-6

³ AT&T, p.4

⁴ Id., GTE, pp. 6-8;

⁵ CIX, pp. 3-4; GTE, p.6; AT&T, pp.7-8;

⁶ NCTA, p. 8

Hughes Network Systems (HNS), a current and future provider of satellite-based broadband services, states that its service "is and will be available to all Americans," and that its service will narrow the "Digital Divide" for rural and consumer broadband users.⁷ Similarly, Sprint alleges that its fixed wireless service represents "the single most effective means of providing broadband service to rural and under-served Americans and a critical third facilities-based competitor to digital subscriber line (DSL) and cable modem offerings."⁸

The significance of such deployment efforts is that they are taking place independent of the wireline deployment of advanced telecommunications capabilities and represent alternative facilities-based deployment that can and will be used to meet American consumers' advanced service needs.⁹ The comments also show that wireline deployment is proceeding through the deployment of Digital Subscriber Line (DSL) technology with some praising and others criticizing SBC's aggressive deployment

⁷ HNS, pp. 2-3. The Commission can assist such deployment by identifying and allocating a sufficient amount of satellite-based spectrum.

⁸ Sprint, pp. 1-2; *See also Comments of the Wireless Communications Association* at p. 3: "[F]ixed wireless technology utilizing the MDS and ITFS spectrum at 2150-2162 MHz and 2500-2690 MHz is particularly well-suited for extending broadband services to the residential, rural or otherwise underserved areas that are the focus of the *NOI*." AT&T also recognizes the existence of these alternatives characterizing satellite services as "powerful competitors," as "ubiquitous," and as "economical, with systems costs of only a few hundred dollars per customer." It notes that fixed wireless broadband is "fast, easy to deploy and relatively cheap." AT&T also points to the existence of other alternatives, such as public utility-provided services and a national broadcast network that "will use a dedicated portion of the digital spectrum assigned to local TV stations to deliver a wide array of high-speed, over-the-air broadband digital content and services directly to consumers." pp.13-18.

⁹ As such, the alternatives must be considered in the Commission's evaluation of the section 252(d) "necessary and impair" standard. *AT&T Corp. v. Iowa Utilities Board* 25 U.S. 366, 389, 119 3.c4. 721, 142 L. Ed. 834 (1999) ["The Commission cannot, consistent with the statute, blind itself to the availability of elements outside the incumbent's network."]

efforts.¹⁰ But the focus in this area needs to be on more than just the wireline deployment of advanced telecommunications capabilities and services.

III. Deployment On A Reasonable And Timely Basis

The commenters are split on whether advanced telecommunications capability has been deployed on a "reasonable and timely" basis to all Americans. Some commenters believe it has,¹¹ others believe it has not.¹² SBC believes that the determination cannot be made at this time, but should be made at a later date after the market has had more time to develop.

IV. Actions To Accelerate Deployment

The commenters are also split on the actions the Commission should take to accelerate deployment. Most of the commenters agree with SBC that a "hands-off" approach to the regulation of advanced services will do the most to stimulate their growth.¹³ Others urge the Commission to take the opposite approach and to regulate the incumbent local exchange carriers (ILECs) investment in and provision of these

¹⁰ NCTA, pp. 19-23 & Appendix A, pp. 8-14 ["One of the most progressive Bell Companies is Southwestern Bell Communications."]; Dave Burstein; cf. AT&T, pp.40-42.

¹¹ GTE, p.5; HNS, pp. 2-3; Bell Atlantic, p.8

¹² US West, p.3; Metricom, pp.6-7; MCI Worldcom, p.3-4

¹³ Bell Atlantic, pp. 2 & 7; BellSouth, pp.4-8; GTE, p.25; US West, pp.5-7; USTA, pp.1-8; Citizens Utilities, pp. 9-10; Erik Uitto; Cox Communications, pp.16-18; MediaOne, pp. 3-4; NCTA, pp.19-25; Wireless Communications, pp.22-26,38-39; Skybridge, pp.1-3,9-10; Alcatel, p.2; Consumer Electronics Association (CEA), pp.1-5; Nortel Networks, pp.6-9; United Telecom Council (UTC), p.1

services.¹⁴ A third group asks the Commission to accelerate deployment through subsidies and universal service fund support.¹⁵

SBC agrees with BellSouth and other commenters that deployment of wireline capabilities would be enhanced by a reduction in regulation and the elimination of the disparity which exists in the regulation of the ILECs versus the "no regulation" policy which has been applied to cable operators, among others. Current policies which inhibit wireline deployment of advanced services are: (1) continued application of the section 271 restriction on the Bell Operating Companies' interLATA provision of advanced services; (2) requirements that the ILECs allow access to their facilities at prices which are zero or below cost; (3) the lack of regulatory symmetry among providers; (4) the application of eligibility restrictions and spectrum caps; (5) the requirement that ILECs pay "reciprocal compensation" for delivery of traffic to the Internet; (6) ILEC unbundling requirements, when alternative facilities clearly exist; and (7) regulatory intrusion into ILEC network planning and design.

Not content with government deregulation of its own systems and services, AT&T seeks to increase government regulation of the ILECs and to impose additional obligations and requirements on them in regard to their provision of advanced services.¹⁶

¹⁴ AT&T, pp.39-44; Telecommunications Resellers Association (TRA), pp.7-10; CIX, pp.12-17; Jato Communications, pp. 2-3,6-11,12-14; MCI Worldcom, pp.6-12;

¹⁵ National Exchange Carrier Association (NECA), pp.5-11; National Rural Telecom Association (NRTA), pp.2-3,9,11-12; National Telephone Cooperative Association (NTCA), p.8

¹⁶ AT&T, pp.40-44; It is hypocritical for AT&T to suggest additional regulation of the ILECs when it has long opposed any "like" treatment (*i.e.*, open access) being applied to its own cable systems, and when cable modem service and availability enjoy the dominant position in the advanced services market. For AT&T to complain about the ILECs not opening up their networks as a detriment to broadband deployment is disingenuous. Unlike the ILECs, AT&T has done nothing at this point to open up its

Moreover, much of what AT&T seeks (*e.g.*, UNE platform line sharing) simply reiterates the positions it has taken on issues which are being addressed in other proceedings.¹⁷ Even if AT&T had "clean hands" on this issue, it is neither necessary nor reasonable to address the ILEC issues it raises in this proceeding.

Jumping on the AT&T "bandwagon," others have been critical of SBC's "Project Pronto," and have accused SBC of attempting to dictate technology and of foreclosing consumer options by its network design. In truth, Project Pronto does neither. Project Pronto does not take away the options that competitors have today. What it does is significantly expand those options by increasing the reach of SBC's network, making it more DSL-capable and faster in speed. That Pronto increases the deployment of fiber in the network, far from being a nefarious plot, simply reflects the trend and technology choice of *all* telecommunications carriers over the past decade. On this issue, SBC agrees with USTA that "it is bad policy to involve the Commission, much less competitors, in making or approving ILEC decisions on the deployment of new technologies and the design of [new] networks."¹⁸ More than anything, that would discourage, rather than encourage, ILEC investment in advanced service technologies and

cable lines in order to allow broadband competition to flourish over another landline path into people's homes. AT&T's whole approach has been to protect its cable market, while attempting to gain market share in the ILECs' market by having them subjected to more and more obligations and requirements. AT&T's position is also stark in contrast to the position of other cable operators, which is that the Commission's 'hands-off' policy is "exactly correct." Cox, p.11; Media One, pp.5-6; [Cable modem service growth demonstrates that the congressional objective of making a full range of broadband services available to consumers on a "reasonable and timely" basis can and will be achieved without regulatory intervention].

¹⁷ AT&T Petition for Expedited Clarification, CC Docket No. 98-147 (Line Sharing); AT&T Petition for Reconsideration, CC Docket No. 96-98 (UNE Remand)

¹⁸ United States Telecom Association (USTA), pp. 6-7

networks for it would be akin to giving the CLECs a say in those decisions and would reduce the ILECs' incentive to make those investments.

Just as contrary to the purpose of section 706 is the suggestion of CIX that ILECs should not be allowed to bundle services or offer discounts on bundled packages of enhanced and advanced services. Not only are such packages and discounts pro consumer, they are a necessary incentive in many instances to overcome consumer reluctance to subscribe to advanced services and, in that way also, actually promote the growth and deployment of advanced services. Here, again, a "hands-off" approach is advisable and the Commission should not interfere with the ILECs' right to decide how best to design their retail products for consumers, particularly when the Commission does not do so in the case of other advanced service providers.

Finally, SBC disagrees with the proposals of NECA, NRTA, and NTCA on the need for advanced service subsidies and universal service fund support to stimulate the deployment of advanced services. Given the stated willingness, based on this record, of a number of providers to serve "all areas" and "all Americans,"¹⁹ the NECA, NRTA, and NTCA proposals are premature and may not even be necessary. In this area also, the Commission should resist the temptation to over-regulate and should allow the market to determine whether or not such subsidies will be needed.

V. Conclusion

The Commission should modify its definition of advanced telecommunications capability so that it will include, not exclude, existing broadband services and technologies. The Commission should not limit its focus to the deployment of wireline

¹⁹ NECA pp. 5-11; NRTA pp. 2-3, 11-12; NTCA pp. 8-9

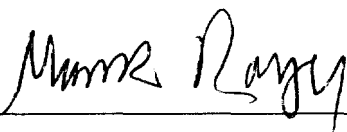
telecommunications services and capabilities in evaluating whether advanced service capabilities are being made available “to all Americans.” The Commission should allow the market more time to develop before determining whether or not advanced services and capabilities are being deployed on a “reasonable and timely” basis.

The Commission should adopt a “hands-off” approach to the regulation of advanced services, and should adopt measures to eliminate the disparate and unequal regulation of different providers of advanced services. The Commission should reject attempts to impose additional obligations and unequal regulatory burdens on the ILECs in this proceeding.

The Commission should also reject the proposals to make advanced services subject to subsidies and universal service fund support. Those proposals are premature and may ultimately prove unnecessary.

Respectfully Submitted,

SBC Communications Inc.

By: _____

James D. Ellis
Alfred G. Richter, Jr.
Roger K. Toppins
Mark P. Royer
11th Floor
1401 “I” Street, NW
Washington, DC 20005
(202) 326-8898

Its Attorneys

CERTIFICATE OF SERVICE

I, Mark P. Royer, hereby certify that a true and correct copy of the above and foregoing comments were served on this 4th day of April, 2000, to the following individuals:


Mark P. Royer

ITS INC
1231 20TH STREET, NW
WASHINGTON, D.C. 20036

CAROL C HENDERSON
EXECUTIVE DIRECTOR
AMERICAN LIBRARY ASSOCIATION
WASHINGTON OFFICE
1301 PENNSYLVANIA AVE NW
SUITE 403
WASHINGTON DC 20004

DAVID A IRWIN
MOULTRIE INDEPENDENT
TELEPHONE COMPANY
IRWIN CAMPBELL & TANNENWALD
1730 RHODE ISLAND AVENUE NW
SUITE 200
WASHINGTON DC 20036-3101

HENRY GOLDBERG
W KENNETH FERREE
GOLDBERG OODLES WIENER & WRIGHT
COUNSEL FOR OPTEL INC
1229 NINETEENTH ST NW
WASHINGTON DC 20036

LAWRENCE G MALONE
GENERAL COUNSEL
PUBLIC SERVICE COMMISSION OF THE
STATE OF NEW YORK
THREE EMPIRE STATE PLAZA
ALBANY NY 12223

L MARIE GUILLORY
NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION
2626 PENNSYLVANIA AVE NW
WASHINGTON DC 20037

RICHARD A BEVERLY
GENERAL COUNSEL
PUBLIC SERVICE COMMISSION OF THE
DISTRICT OF COLUMBIA
717 FOURTEENTH S T NW
WASHINGTON DC 20005

RUSSELL M BLAU
KATHLEEN L GREENAN
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K STREET NW SUITE 300
WASHINGTON DC 20007

M ROBERT SUTHERLAND
MICHAEL A TANNER BELLSOUTH
CORPORATION
1155 PEACHTREE ST NE
SUITE 1700
ATLANTA GA 30309

HOWARD J SYMONS GIL M STOBEL
MINTZ LEVIN CORN FERRIS GLOVSKY
AND POPEO
COUNSEL FOR CABLEVISION SYSTEMS CORP
701 PENNSYLVANIA AVE NW STE900
WASHINGTON DC 20004-2608

ANDREA D WILLIAMS
CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION
1250 CONNECTICUT AVE NW
WASHINGTON DC 20036

DONALD WEIGHTMAN
COALITION OF UTAH INDEPENDENT INTERNET
SERVICE PROVIDERS
510 C STREET NE
WASHINGTON DC 20002

RONALD L PLESSER
MARK J OCONNOR
PIPER & MARBURY LLP COUNSEL FOR
COMMERCIAL INTERNET eXchange
ASSOCIATION
1200 NINETEEN ST NW
WASHINGTON DC 20036

CHRISTOPHER W SAVAGE
COLE RAYWID & BRAVERMAN
COUNSEL FOR COMCAST
1919 PENNSYLVANIA AVE NW SUITE 200
WASHINGTON DC 20006

GAIL L POLIVY
GTE SERVICE CORPORATION
1850 M STREET NW SUITE 1200
WASHINGTON DC 20036

SUSAN M BID
DAVID RUBASHIGN
MEDIAONE GROUP INC
1919 PENNSYLVANIA AVE NW
SUITE610
WASHINGTON DC 20006

BRIAN CONBOY
THOMAS JONES
WILLKIE FARR & GALLAGHER
COUNSEL FOR TIME WARNER CABLE
THREE LAFAYETTE CENTER
WASHINGTON DC 20036

ROBERT B MCKENNA
US WEST INC
1020 19TH STREET NW
WASHINGTON DC 20036

STEVEN GOROSH
VICE PRESIDENT & GENERAL
COUNSEL NORTHPOINT
COMMUNICATIONS INC
222 SUTTER STREET
SAN FRANCISCO CA 94108

STEPHEN N BROWN
DIRECTOR OF PUBLIC & TECHNOLOGY POLICY
NEW WORLD P ARADIGN LTD
40112TH STREET SOUTH STE 1421
ARLINGTON VA 22202

JONATHAN JACOB NADLER
BRIAN J MCHUGH
SQUIRE SANDERS & DEMPSEY LLP
COUNSEL FOR THE INFORMATION
TECHNOLOGY ASSOCIATION OF
AMERICA
1201 PENNSYLVANIA AVE NW
WASHINGTON DC 20044

JEFFRY H SMITH
GVNW INC/MANAGEMENT
8050 SW WARM SPRINGS STREET SUITE 200
TUALATIN OR 97062

EMILY C HEWITT
GENERAL COUNSEL
GENERAL SERVICE ADMINISTRATI ON
1800 F STREET NW ROOM 4002
WASHINGTON DC 20405

KECIA BONEY
DALE DIXON
MCI COMMUNICATIONS CORPORATION
1801 PENNSYLVANIA AVE NW
WASHINGTON DC 20006

CATHERINE R SLOAN
DAVID N PORTER
RICHARD L FRUCHTERMAN III
WORLDCOM INC
1120 CONNECTICUT AVE NW STE 400
WASHINGTON DC 20036

MICHAEL S SLOMIN
BELL COMMUNICATION RESEARCH INC
445 SOUTH STREET MCC-I J30R
MORRISTOWN NJ 076960

STUART POLIKOFF
DIRECTOR OF GOVERNMENT
RELATIONS OPASTCO
21 DUPONT CIRCLE NW
SUITE 700
WASHINGTON DC 20036

MARK C ROSENBLUM
AVA B KLEINMAN
AT&T CORP
295 NOR TH MAPLE A VENUE
ROOM 3252J1
BASKING RIDGE NJ 07920

BRAD E MUTSCHELKNAUS
JOHN J HEITMANN
KELLY DRYE & WARREN LLP
COUNSEL FOR e.spire
COMMUNICATIONS INC
1200 19TH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036

RILEY M MURPHY
EXECUTIVE VICE PRESIDENT
AND GENERAL COUNSEL
e.spire COMMUNICATIONS INC
133 NATIONAL BUSINESS PARKWAY
SUITE 200
ANNAPOLIS JUNCTION MD 20701

DAVID ELLEN ESQ
CABLEVISION SYSTEMS CORP
ONE MEDIA CROSSWAYS
WOODBURY NY 11797

WILLIAM J EVANS
PARSONS BEHLE & LATIMER
COUNSEL FOR CUIISP
ONE UTAH CENTER
201 OUSTH MAIN STREET
SUITE 1800
SALT LAKE CITY UT 45898

DONNA N LAMPERT
YARON DORI
MINTZ LEVEN COHN FERRIS
GLOVSKY AND POPEO
COUNSEL FOR MEDIA FUSION
CORPORATION
WASHINGTON DC 20004-2608

DANA FRIX
KATHLEEN L GREENAN
SWIDLER BERIN SHEREFF FRIEDMAN
COUNSEL FOR PHONES FOR ALL INC
3000 K STREET NW STE 300
WASHINGTON DC 20007

TERRENCE J FERGUSON
SENIOR VICE PRESIDENT AND
SPECIAL COUNSEL
LEVEL 3 COMMUNICATIONS INC
3555 FARNAM STREET
OMAHA NE 68131

DAVID F FISHER
VICE PRESIDENT GENERAL COUNSEL
AND CORPORATE SECRETARY
ADC TELECOMMUNICATIONS INC
PO BOX 1101
MINNEAPOLIS, MN 55440-1101

ROBERTH GRIFFEN
BELL ATLANTIC CORP
1320 NORTH COURT HOUSE ROAD
EIGHTH FLOOR
ARLINGTON VA 2220 I

JOSEPH T GARRITY
SENIOR DIRECTOR
QWEST COMMUNICATIONS
555 17TH STREET
DENVER CO 80202

PETER A ROHRBACK
LINDA L OLIVER
HOGAN & HARTSON
COUNSEL FOR QWEST
COMMUNICATIONS
CORPORATION
555 THIRTEENTH ST NW
WASHINGTON DC 20004

MARGOT SMILEY HUMPHREY
KOTEEN & NAFTALIN LLP
COUNSEL FOR TDS TELECOMMUNICATIONS
CORP
1150 CONNECTICUT AVENUE NW
SUITE 1000
WASHINGTON DC 20036

GEORGE V
RADENBURG III
WILLIAM W
BURLINGTON
AMERICA
ONLINE INC
1101 CONNECTICUT AVENUE NW
SUITE 400
WASHINGTON DC 20036

JONATHAN E CANIS
KELLEY DRYE & WARREN
COUNSEL FOR INTERMEDIA
COMMUNICATIONS
1200 NINETEENTH ST NW FIFTH FL00R
WASHINGTON DC 20036

MARGOT SMILEY HUMPHREY
KOTEEN & NAFTALIN
COUNSEL FOR NATIONAL RURAL
TELECOM
ASSOCIATION
1150 CONNECTICUT A ENUE NW
SUITE 1000 WASHINGTON DC 20036-
4104

KATHRYN CLODFELTER
CRAWFORD COUNTY COMMUNITY NETWORK
6341 W NEWTON STEWARD RD
TASWELL IN 47175

LEON M KESTENBAUM
JAY C KEITHLEY
SPRINT CORPORATION
1850 M STREET NW SUITE 1110
WASHINGTON DC 20036

JIM WARNER
UNIVERSITY OF CALIFORNIA
CATS-COMM BLDG
SANT A CRUZ CA 95064

CARESSA D BENNET
GREGORY W WHITEAKER
BENNET & BENNET
1019 NINETEENTH ST NW SUITE 500
WASHINGTON DC 20036

MICHAEL L THEIS
KIESLING CONSULTING
6401 ODANA ROAD
MADISON WI 53719

ANDREW D LIPMAN
TAMAR E FINN
SWIDLER BERLIN SHEREFF FRIEDMAN
3000 K STREET NW SUITE 300
WASHINGTON DC 20007

JOSEPH W MILLER
WILLIAM COMMUNICATIONS INC
ONE WILLIAMS CENTER
SUITE 4100
TULSA OK 74102

LAURENCE E HARRIS
DAVID S TURETSKY
TELIGENT INC
8065 LEESBURG PIKE SUITE 400
VIENNA VA 22182

PHILIP L VERVEER
GUNNAR D HALLEY
WILLKIE FARR & GALLASHER
COUNSEL FOR TELIGENT INC
THREE LAFAYETTE CENTRE
1155 21ST ST NW
WASHINGTON DC 20036

JOHN G LAMB JR
NORTHERN TELECOM INC
2100 LAKESIDE BOULEVARD
RICHARDSON TEXAS 75081-1599

STEPHEN L GOODMAN
HALPRIN TEMPLE GOODMAN & SUGRUE
COUNSEL FOR NORTHERN TELECOM INC
555 12th ST NW #950 NORTH
WASHINGTON DC 20004

PETER D KEISLER
MICHAEL DOSS
SIDLEY & AUSTIN
COUNSEL FOR A T & T CORP
1722 EYE STREET NW
WASHINGTON DC 20006

JAMES BALLER
SEAN STOKES
THE BALLER LAW GROUP PC
1820 JEFFERSON PLACE NW SUITE 200
WASHINGTON DC 20036

ROBERT W MCCAUSLAND
VICE PRESIDENT REGULATORY AND
INTERCONNECTION
ALLEGIANCE TELECOM INC
1950 STEMMON FREEWAY SUITE 3026
DALLAS TX 75207-3118

LAWRENCE E SARJEANT
LINDA KENT
UNITED STATES TELEPHONE ASSOCIATION
1401 H STREET NW STE 600
WASHINGTON DC 20005

DAVID J NEWBURGER
NEWBURGER & VOSSMEYER
COUNSEL FOR CAMPAIGN FOR
TELECOMMUNICATION ACCESS
ONE METROPOLITAN SQUARE STE
2400
ST LOUIS MO 63102

MITCHELL LAZARUS
FLETCHER HEALD & HILDRETH
COUNSEL FOR THE INTERNET SERVICE
PROVIDRES' CONSOR TIUM
1300 NORTH 17TH ST 11TH FLOOR
ARLINGTON VA 22209

KATHRYN A KLEIMAN
INTERNET MATTERS
PO BOX 25876
ALEXANDRIA VA 22313

WAYNE MOVERS
VICE PRESIDENT
WIRELESS INFORMATION NETWORKS FORUM
1200 19TH STREET NW SUITE 300
WASHINGTON DC 20036-2401

RANDALL B LOWE
J TODD METCALF
PIPER & MARBURY
COUNSEL FOR TRANSWIRE
COMMUNICATIONS
INC
1200 NINETEENTH ST NW
WASHINGTON DC 20036

JEFFREY L SHELDON
VICE PRESIDENT & GENERAL COUNSEL
UTC
1140 CONNECTICUT AVE NW
SUITE 1140
WASHINGTON DC 20036

MARY MCDERMOTT
CHIEF OF STAFF AND SENIOR VICE
PRESIDENT GOVERNMENT
RELATIONS PERSONAL
COMMUNICATIONS INDUSTRY
ASSOCIATION
500 MONTGOMERY STREET
SUITE 700
ALEXANDRIA VA 22314

KATHLEEN L GREENAN
SWIDLER BERLIN SHEREFF FRIEDMAN COUNSEL
FOR WINSTAR COMMUNICATIONS
3000 K STREET NW
WASHINGTON DC 20007

TODD ATKIN
6011 W CONTAGORA DR
WEST VALLEY CITY UT 84128

CHARLES A ELDERING
PROGRESS AND FREEDOM FOUNDATION AND
PRESIDENT
TELECOM PARTNERS LTD
900 TOWN CENTER
NEW BRITAIN PA 18901

JEFFREY A EISENACH
PRESIDENT
PROGRESS & FREEDOM FOUNDATION
1301 K STREET NW SUITE 550 E
WASHINGTON DC 20005

ALAN MCCOLLOUGH
PRESIDENT
CIRCUIT CITY STORES INC
9950 MAYLAND DRIVE
RICHMOND VA 23233

JOSEPH A OODLES
GOLDBERG OODLES WIENER &
WRIGHT COUNSEL FOR PANAMSAT
CORPORATION
1229 NINETEENTH STREET NW
WASHINGTON DC 20036

W SCOTT MCCOLLOUGH
MCCOLLOUGH AND ASSOCIATES
COUNSEL FOR THE TEXAS INTERNET SERVICE
PROVIDERS ASSOCIATION
1801 NORTH LAMAR SUITE 104
AUSTIN TX 78701

RONALD L PLESSER
JAMES J HALPERT
PIPER & MARBURY
COUNSEL FOR PSINET INC
SEVENTH FLOOR
1200 NINETEENTH ST NW
WASHINGTON DC 20036

HOWARD J SYMONS
MICHELLE M MUNDT
MINTZ LEVIN COHN FERRIS GLOVSKY POPEO
COUNSEL FOR THE NATIONAL CABLE
TELEVISION ASSOCIATION INC
701 PENNSYLVANIA AVE NW
SUITE 900
WASHINGTON DC 20004

DANIEL L BRENNER
NEAL M GOLDBERG
NATIONAL CABLE TELEVISION
ASSOCIATION INC
1724 MASSACHUSETTS AVENUE NW
WASHINGTON DC 20036

CHARLES M BREWER
CHAIRMAN AND CHIEF EXECUTIVE OFFICER
MINDSPRING ENTERPRISES INC
1430 WEST PEACHTREE ST
SUITE 400
ATLANTA GA 30309

KEVIN TMPANE
ESTEHR H ROSENTHAL
FIRSTWORLD COMMUNICATIONS INC
9333 GENESEE AVENUE
SAN DIEGO CA 92121

JEFFREY BLUMENFELD
GLEN B MANISHIN
BLUMENFELD & COHEN - TECHNOLOGY LAW
GROUP
COUNSEL FOR RHYTHMS NETCONNECTIONS INC
FIRSTWORLD COMMUNICATIONS INC AND FIRST
REGIONAL TELECOM
1615 M ST NW STE 700
WASHINGTON DC 20036

BRUCE KUSHNICK
EXECUTIE DIRECTOR
NEW NETWORKS INSTITUTE
826 BROADWAY SUITE 900
NEW YORK NY 10003

JORDAN CLARK
PRESIDENT
UNITED HOMEOWNERS ASSOCIATION
655 15TH STREET NW SUITE 460
WASHINGTON DC 20005

CHERYL A TRITT
CHARLES H KENNEDY
MORRISON & FOERSTER
COUNSEL TO VERIO INC
2000 PENNSYLVANIA AVE NW
WASHINGTON DC 20006-1888

MAUREEN A LEWIS
GENERAL COUNSEL
ALLIANCE FOR PUBLIC TECHNOLOGY
901 15TH STREET NW SUITE 230
WASHINGTON DC 20038

MARK A GRANNIS
EVAN R GRAYER
HARRIS WILTSHIRE & GRANNIS
1200 EIGHTEENTH STREET NW
WASHINGTON DC 20036

RI CHARD J METZGER
EMILY M WILLIAMS
TELECOMMUNICATIONS SERVICES
888 17TH ST NW SUITE 900
WASHINGTON DC 20006

CYNTHIA S THOMAS
DIRECTOR REGULATOR AFFAIRS
PERSONAL COMMUNICATIONS
INDUSTRY
ASSOCIATION
500 MONTGOMERY STREET
SUITE 700
ALEXANDRIA VA 22314-1561

DOUGLAS E HART
FROST & JACOBS
COUNSEL FOR CINCINNATI BELL
TELEPHONE COMPANY
201 EAST FIFTH STREET
CINCINNA TI OH 45202

PAUL JSINDERBRAND
ROBERT D PRIMOSCH
JONA THAN V COHEN
WILKINSON BARKER KNAUER &
QUINN
2300 N STREET NW
SUITE 700
WASHINGTON DC 20037

CARL K OSHIRO
COUNSELOR AT LAW
UNIVERSAL SERVICE ALLIANCE
100 FIRST STREET
SUITE 2540
SAN FRANCISCO CA 94 105

PETER B RENNAN
FAIR TELECOM
163 THIRD AVENUE SUITE 251
NEW YORK NY 10003

ASHLEY C SCHANNAUER
ATTORNEY
INFORMATION RENAISSANCE
600 GRANT STREET
SUITE 2980
PITTSBURG PA 15219

LAWRENCE J SPIWAK
GENERAL COUNSEL
TECHNOLOGY ENTREPRENEUS
COALITION
5335 WISCONSIN AVENUE NW
SUITE 440
WASHINGTON DC 20015

PAUL G MADISON
MICHAEL J FRANCESCONI
KELLEY D RYE & WARREN
1200 195TH STREET NW STE 500
WASHINGTON DC 20036

UNABLE TO SERVE THE FOLLOWING
DUE TO LACK OF MAILING ADDRESS
ON PLEADINGS SUBMITTED TO FCC:

LOWELL GRAY
PRESIDENT
SHORE.NET

RURAL POLICY RESEARCH
INSTITUTE